

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**CIVIL MINUTES - GENERAL**

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| <b>Case No.</b> | CV 23-4796 PA (JPRx)                                 | <b>Date</b> | July 24, 2023 |
| <b>Title</b>    | Skyler Wells v. Lakeview Loan Servicing, LLC, et al. |             |               |

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| <b>Present: The Honorable</b> | PERCY ANDERSON, UNITED STATES DISTRICT JUDGE |
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| Kamilla Sali-Suleyman | Not Reported | N/A |
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Deputy Clerk

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Court Reporter

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Tape No.

Attorneys Present for Plaintiff:

Attorneys Present for Defendants:

None

None

**Proceedings:** IN CHAMBERS – ORDER TO SHOW CAUSE

Plaintiff Skyler Wells (“Plaintiff”) initiated this action on May 18, 2023 against defendants Lakeview Loan Servicing, LLC and Manufacturers and Traders Trust Company (“Defendants”). (Docket No. 1-1.) Plaintiff served Defendants on May 19, 2023. (See Docket No. 1 ¶ 3.) On July 21, 2023, Plaintiff filed a First Amended Complaint. (Docket No. 21.) However, Plaintiff did not seek leave from the Court to amend the original Complaint, nor does it appear that Plaintiff obtained consent from Defendants before filing the First Amended Complaint.

Generally, “[a] party may amend its pleading once as a matter of course within: (a) 21 days after serving it, or (b) if the pleading is one to which a responsive pleading is required, 21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier.” Fed. R. Civ. P. 15(a)(1). Because the original Complaint was served on Defendants more than 21 days ago and no answer is currently on file, Plaintiff could only amend the Complaint after first obtaining “the opposing party’s written consent or the court’s leave.” *Id.* at 15(a)(2). If Plaintiff had obtained Defendants’ written consent, then Plaintiff would have been required to place a stipulation on the record to notify the Court. See L.R. 7-1 (“Stipulations will be recognized as binding only when made in open court, on the record at a deposition, or when filed in the proceeding. Written stipulations affecting the progress of the case shall be filed with the Court, be accompanied by a separate order as provided in L.R. 52-4.1, and will not be effective until approved by the judge, except as authorized by statute or the [Federal Rules].”). Accordingly, the Court hereby strikes the First Amended Complaint from the record for failure to comply with Rule 15(a)(2).

IT IS SO ORDERED.